EXHIBIT NO. 12

EXHIBIT NO. 12

IS

CONFIDENTIAL

Defendants' Opposition to Plaintiff's Motion in Limine No. 2

II. DEFENDANTS' OPPOSITION TO AMPEX'S MOTION IN LIMINE #2 (OBVIOUSNESS)

INTRODUCTION

Defendants respectfully submit this opposition to Ampex's motion to preclude Defendants from presenting evidence at trial regarding five obviousness combinations on the grounds that Defendants did not "properly" disclose these combinations during discovery. Defendants, however, have repeatedly disclosed each of these obviousness combinations in exhaustive discovery over the last two years. Defendants first disclosed its contentions in the International Trade Commission ("ITC") proceedings through interrogatory responses, expert reports, and written trial testimony. In this Delaware action, Defendants again disclosed in its written expert reports each of the five obviousness combinations at issue in this motion. In its very motion in limine, Ampex admits that Defendants disclosed ***each*** of the five obviousness combinations at issue ***over six months ago*** -- well before the close of discovery and almost eight months before trial.

Indeed, only three months ago, Ampex acknowledged that Defendants had adequately disclosed at least three of the five combinations at issue in this motion. Specifically, in its summary judgment motion asserting that the '121 patent is not invalid for obviousness, Ampex admitted that Defendants had sufficiently disclosed its contentions regarding eight obviousness combinations, including DLS/Paint Box, Harada/Paint Box and DLS/AVA:

> Kodak disclosed what elements might be missing from a reference and where those missing elements could arguably be found elsewhere in the art. While Ampex disagrees with Kodak's obviousness arguments for those eight combinations ...***at least the Court, the jury, and Ampex know Kodak's contention***.

(*See* D.I. 408, at 2 (emphasis added).) Because all five challenged obviousness combinations have been disclosed, and Ampex has had ample opportunity to take discovery as to each, Defendants should not be precluded from presenting evidence regarding the combinations at trial.

ARGUMENT

1. Each of the Challenged Combinations Has Been Repeatedly and Fully Disclosed to Ampex.

During discovery in the ITC, Defendants provided a detailed, element by element explanation of how each of the references that Defendants combine meet the elements of the '121 patent. (*See* Ampex Ex. 8Q; Ex. 1, Def.'s Resp. to Pl.'s Interr. #'s 60; Ex. 2, Myers Trial Testimony, pp. 11-33.) Defendants also explicitly disclosed four of the five[1] combinations and the motivations to combine them. (*Id.*) As described below, well before discovery ***even commenced*** in this Delaware action, Ampex had been provided with detailed information about Defendants' obviousness contentions in the form of interrogatory responses, expert reports, and written trial testimony.

A. Defendants Disclosed the Paint Box/DLS Combination.

Ampex admits that as early as January 5, 2005, Defendants disclosed that the combination of DLS with the Paint Box would render obvious the claims of the '121 patent. (Ampex Motion, at 7.) Defendants also disclosed an '

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Defendants explained how and why Paint Box and DLS could be combined and provided citations to documentary evidence:

> For example, MCI/Quantel News, 3/22/82, notes that "the Paint Box can be augmented by the DLS 6000 digital library system. The DLS 6000 can be connected directly to the Paint Box via a digital link." (MCI/Quantel News, 3/22/82, p. 4).

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[1] In his ITC written trial testimony and in his expert report in Delaware, Brad Myers set forth in detail the scope and content of the Harada application disclosure as well as how it met each element of each asserted claim of the '121 patent. (Ex. 2; Ex. 8, Myers Expert Report.) In those same submissions, Dr. Myers also articulated how even under alternative claim constructions, certain design choices could be implemented. As a result, Dr. Myers opined that to the extent a claim construction similar to those he identified was adopted under which the application did not meet each element of the asserted claims, the asserted claims would still have been obvious in view of the Harada application itself.

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(*Id.*) Richard Taylor, the former Executive Chairman of Quantel, further addressed the Paint Box/DLS combination in July 2005 in his written trial testimony. Specifically, Mr. Taylor described why one skilled in the art would be motivated to combine the Paint Box with the DLS,

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B. Defendants Disclosed the AVA/DLS Combination.

Defendants also disclosed the combination of AVA and DLS as far back as January 2005. Specifically, in response to Ampex's Interrogatory,

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(Ampex Ex. 8Q.) Later, in his written trial testimony in July 2005, Richard Taylor explicitly described why one would be motivated to combine systems like the AVA and DLS.

REDACTED

C. Defendants Disclosed the Chromacom/DLS and Chromacom/Paint Box Combinations.

Ampex has also been aware of Defendants' contentions regarding the combination of Chromacom with DLS and the combination of Chromacom with Paint Box for more than a year. In his written trial testimony in July 2005, Defendants' expert described combining prepress systems,

like the Chromacom, with the Paint Box or electronic still store systems, like the DLS. (*See, e.g.*, Ex. 3, Stansfield Trial Testimony, at 5 (describing that prepress systems were actually combined with electronic still store systems); 11-12 (explaining that the Chromacom could directly receive images from a TV camera or Paint Box).)

D. Defendants Disclosed the Harada Application/Paint Box Combination.

As described above,

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The Harada application, like the DLS, is an electronic still store system that could be combined with the Paint Box.

All of the above disclosures are deemed a part of this action in Delaware. At the outset of this Delaware action, the parties agreed that discovery taken in ITC would be "treated, for all purposes as if taken in this action." (*See* D.I. 53, 10/17/05 Scheduling Order, ¶3.f.) As a result, by virtue of Defendants' ITC disclosures alone, each of the five combinations has been sufficiently disclosed.

Additional information about the scope and content of each of the references was provided in January 2006 in interrogatory responses in this action supplementing previous ITC disclosures. (*See* Ex. 5, Defs.' Supp. to Int. #34.) Defendants further disclosed, in detailed written expert reports served in this action, each of the five obviousness combinations at issue in this motion, explained how one would combine the references, and identified the motivations to combine those references. (*See, e.g.*, Ex. 7, Taylor Expert Report ¶¶ 91, 92, 140, 168, 169; Ex. 8, Myers Expert Report ¶¶ 118-120; Ex. 6, Preuss Expert Report ¶100.) Indeed, Ampex admits that Defendants disclosed ***each*** of the five obviousness combinations in its expert reports well before the close of discovery ***and over eight months before the scheduled date of trial.*** (*See* Ampex's Motion at 8.)

2. Ampex Has No Basis to Preclude Defendants From Presenting Evidence Regarding Their Obviousness Contentions.

Ampex seeks to exclude Defendants' obviousness contentions pursuant to Rule 37 of the Federal Rules of Civil Procedure for alleged failure to supplement interrogatory responses under Rule 26(e)(2). Rule 37(c) states that a party who fails "to amend a prior response in discovery as required by Rule 26(e)(2), is not, unless such failure is harmless, permitted to use as evidence at a trial, ... information not so disclosed." Fed. R. Civ. P. 37(c). Yet the very rule to which Ampex cites for supplementation, Rule 26(e)(2), states that a party must only amend a prior response if "the additional or corrective information ***has not otherwise been made known to the other parties during the discovery process or in writing***." Fed. R. Civ. P. 26(e)(2) (emphasis added). As detailed above, well before discovery even commenced in this Delaware action, Ampex had been provided with detailed information about Defendants' obviousness contentions. Moreover, ***it is undisputed*** that during the discovery process in this Delaware action and before Ampex deposed any of Defendants' experts, Defendants disclosed in written expert reports each of the five obviousness combinations at issue in this motion, explained how one would combine the references and identified the motivations to combine the references. Ampex has pointed to no federal rule or case that requires more. Ampex's motion should be denied.

CONCLUSION

Ampex had notice of Defendants' obviousness contentions during both rounds of discovery and had ample time to take the "investigatory steps" it apparently desired, including the opportunity to explore Defendants' obviousness contentions during expert depositions. Having timely, repeatedly and fully disclosed the combinations of prior art references that render the asserted claims of the '121 patent obvious, Defendants should not now be precluded from presenting their obviousness contentions at trial.

EXHIBIT NO. 1

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.
Before the Honorable Sidney Harris

In the Matter of

CERTAIN DIGITAL IMAGE STORAGE AND RETRIEVAL DEVICES

Investigation No. 337-TA-527

RESPONSE OF EASTMAN KODAK COMPANY TO COMPLAINANT AMPEX CORPORATION'S THIRD SET OF INTERROGATORIES TO RESPONDENT EASTMAN KODAK COMPANY (NOS. 58-63)

	disk store for storage and retrieval of images).
[d] selectively accessing from the storage locations a data set of one of the plurality of full size images, and one of the sets of the corresponding plurality of the reduced size reproduction images simultaneously;	The ESS-2 system accesses images from storage locations. *See, e.g.*, Ampex ESS-2 Brochure (ESS-2 displays stored images and is capable of full frame playback).
[e] wherein the step of accessing further includes, retrieving a plurality of reproduction images, storing the retrieved plurality of images in a random access memory, and outputting the stored plurality of retrieved images as a mosaic of reproduction images occupying a raster of the selected vertical and horizontal size.	The ESS-2 system accesses images from storage locations. *See, e.g.*, Ampex ESS-2 Brochure (ESS-2 displays stored images and is capable of full frame playback).

Eastman Kodak Company responds to (iv) and (v) as follows:

The ESS-2 is described in Ampex Audio-Video Systems Catalog, 1982; Ampex ESS-2 Digital Video Production System Brochure (not dated); and Ampex company product release, "AVA, ESS Create Graphic Sequences at NAB," April 12, 1981

Eastman Kodak Company further states that counsel for Eastman Kodak Company is knowledgeable about the response to this interrogatory.

INTERROGATORY NO. 60

Provide a claim chart comparing the Ampex AVA against claims 7, 8 and 10-15 of the '121 patent, stating for each element of these claims: (i) whether the element of the claim is embodied by the AVA; (ii) if the element of the claim is embodied by the AVA, identify the component of the AVA that embodies the element and explain how the element is embodied, (iii) if the element of the claim is not embodied by the AVA, identify the element that is missing and explain why the AVA does not embody that element; (iv) identify the documents or other facts or evidence upon which Kodak bases its response; and (v) identify all person(s) knowledgeable about the response to this interrogatory.

RESPONSE TO INTERROGATORY NO. 60

Eastman Kodak Company objects to this interrogatory on the grounds that it is premature in that discovery in this proceeding has only just begun. The responses require, in part, information in Ampex's possession. Eastman Kodak Company has requested the information required to respond to this interrogatory from Ampex. Ampex has not yet fully produced such information. Ampex itself previously objected to the production of documents or information pertaining to prior art and has only recently commenced production. Eastman Kodak Company reserves the right to supplement, revise, amend, or modify this interrogatory response after it has had the opportunity to review Ampex's document production, interrogatory responses, and other discovery to be provided by Ampex; to conduct further prior art searches; and to conduct non-party discovery.

Eastman Kodak Company further objects to this interrogatory on the grounds that it is vague and ambiguous.

Subject to and without waiving the foregoing Specific and General Objections, Eastman Kodak Company provides the following responsive information:

Eastman Kodak Company responds to (i), (ii), and (iii) as follows.

Claim 7	Analysis
7. An apparatus for storing video pixel data representing video images of a first resolution and, for each of the images at said first resolution, a corresponding video image at a second resolution, comprising:	The AVA is an apparatus for storing video pixel data. *See, e.g.*, R.L. Stow, "Graphics Go Electronic – The CBS Experience," *SMPTE Journal*, December 1982 ("Stow"), pp. 1187-8 (AVA stores video images independently and with ESS); Ampex company product release, "Ampex Unveils Innovative Graphic System," April 13, 1980 ("Ampex company product release, April 13, 1980"); Ampex company product release, "AVA, ESS Create Graphic Sequences at NAB," April 12, 1981 ("Ampex company product release, April 12, 1981"); Ampex AVA Advertisement (not dated)("Ampex AVA Advertisement"); Ampex AVA Space Saver Brochure (not dated)("Ampex AVA Space Saver Brochure"); Ampex Innovator, "Ampex's AVA Graphics System Engineered for the Video Artist," (not dated)("Ampex Innovator, 'Ampex's AVA Graphics System Engineered for the Video Artist'"); Robert van der Leeden, "Ampex AVA-3 Video Art System," ("van der Leeden"), pp. 393 (AVA-3 stores video images independently and with ESS).
[a] random access memory means for storing video pixel data representing one of a succession of full size images at said first resolution and a corresponding reduced size version thereof at said second resolution;	The AVA includes random access memory for storing video pixel data. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes random access memory); Stow, pp. 1187-8 (AVA is used with ESS to store video images); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to transfer edited images and display in real time); Ampex AVA Space Saver Brochure (AVA includes graphics memory and temporarily stores images edits); AVA Ampex Video Art System Brochure (not dated)("AVA Ampex Video Art System Brochure")(AVA allows on-screen editing of stored images); van der Leeden, pp. 393 (AVA-3 includes means to store image currently on screen).
[b] bulk memory means for receiving said video pixel data from said random access memory means and for storing said succession of full size images and the corresponding reduced size versions thereof, and for outputting upon a user's command, either a	The AVA includes a bulk memory for receiving video pixel data from random access memory. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes disk storage); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to store images); Stow, pp. 1187-8 (AVA is used with ESS to store video images in disk

selected one of the successive full size images or selected ones of the corresponding reduced size versions thereof for direct transfer to, and storage back in, said random access memory means; and	store); Stow, pp. 1189 (AVA includes disk storage for storage and retrieval of images); Ampex AVA advertisement (AVA stores and retrieves images); Ampex AVA Space Saver Brochure (AVA includes disk drive for image storage and retrieval); AVA Ampex Video Art System Brochure (AVA includes disk storage for storage and retrieval of images); van der Leeden, pp. 394 (AVA-3 includes file management system which operates as a still store for storage and retrieval of images).
[c] means responsive to said random access memory means for selectively generating one of said corresponding reduced size versions from the respective full size image in said random access memory means, and for transferring the video pixel data representing the corresponding reduced size version back to the contents of said random access memory means.	The AVA includes a structure for generating reduced size versions of images. *See, e.g.*, Stow, pp. 1188 (AVA changes image size through a digital video effects unit); Ampex AVA Space Saver Brochure (AVA includes means for compressing images); AVA Ampex Video Art System Brochure (AVA includes mechanism for size adjustment); van der Leeden, pp. 393 (AVA-3 includes means for storing part of an image, reducing image, and compressing image data).
Claim 8	**Analysis**
8. An apparatus for storing video pixel data as at least one full size image at a first resolution, and at least one reduced size image thereof at a second lower resolution, comprising:	The AVA is an apparatus for storing video pixel data. *See, e.g.*, Stow, pp. 1187-8 (AVA stores video images independently and with ESS); Ampex company product release, April 13, 1980; Ampex company product release, April 12, 1981; Ampex AVA advertisement; Ampex AVA Space Saver Brochure; Ampex Innovator, "Ampex's AVA Graphics System Engineered for the Video Artist;" van der Leeden, pp. 393 (AVA-3 stores video images independently and with ESS).
[a] random access memory means having an input port and an output port, for storing the video pixel data presented at the input port	The AVA includes random access memory for storing video pixel data. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes random access memory); Stow, pp. 1187-8 (AVA is used with ESS to store video images); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to transfer edited images and display in real time); Ampex AVA Space Saver Brochure (AVA includes graphics memory and temporarily stores images edits); AVA Ampex Video Art System Brochure (AVA allows on-screen editing of stored images); van der Leeden, pp. 393 (AVA-3

	includes means to store image currently on screen).
[b] said video pixel data representing the full size video image at a first resolution being stored in a first group of memory locations in said random access memory means;	The AVA includes random access memory for storing video pixel data. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes random access memory); Stow, pp. 1187-8 (AVA is used with ESS to store video images); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to transfer edited images and display in real time); Ampex AVA Space Saver Brochure (AVA includes graphics memory and temporarily stores images edits); AVA Ampex Video Art System Brochure (AVA allows on-screen editing of stored images); van der Leeden, pp. 393 (AVA-3 includes means to store image currently on screen).
[c] bulk storage memory for also storing the video pixel data and for presenting selected groups of video data at said input port for storage by said random access memory means;	The AVA includes a bulk memory for receiving video pixel data from random access memory. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes disk storage); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to store images); Stow, pp. 1187-8 (AVA is used with ESS to store video images in disk store); Stow, pp. 1189 (AVA includes disk storage for storage and retrieval of images); Ampex AVA advertisement (AVA stores and retrieves images); Ampex AVA Space Saver Brochure (AVA includes disk drive for image storage and retrieval); AVA Ampex Video Art System Brochure (AVA includes disk storage for storage and retrieval of images); van der Leeden, pp. 394 (AVA-3 includes file management system which operates as a still store for storage and retrieval of images).
[d] size reducing means responsive to said random access memory means for directly receiving said video pixel data stored in said random access memory means representing said full size image at said first resolution, and for reducing said image to the reduced size image at the second lower resolution, and for supplying said reduced size image at said second resolution directly back to said random access memory means in a second group of memory locations	The AVA includes a structure for generating reduced size versions of images. *See, e.g.*, Stow, pp. 1188 (AVA changes image size through a digital video effects unit); Ampex AVA Space Saver Brochure (AVA includes means for compressing images); AVA Ampex Video Art System Brochure (AVA includes mechanism for size adjustment); Ampex company product release, April 12, 1981 (AVA and ESS-2 can be combined for display of edited images); van der Leeden, pp. 393 (AVA-3 includes means for storing part of an image, reducing image, and compressing image data).

therein;	
[e] control means coupled to said random access memory means, to said bulk storage memory and to said size reducing means, for causing said size reducing means to generate said reduced size image at said second resolution and to supply same to said random access memory means in said second group of memory locations; and	The AVA includes control means coupled to random access memory and bulk storage memory. *See, e.g.*, Ampex company product release, April 12, 1981 (AVA allows transfer and storage of edited images); Ampex company product release, April 13, 1980 (AVA allows edited images to be stored or displayed on air); Ampex AVA Space Saver Brochure (AVA allows creation of compressed image and transfer to storage); van der Leeden, pp. 393 (AVA-3 includes size reducing means and mechanism for storing reduced size image).
[f] said control means further causing the transfer of the full size and reduced size video pixel data from said random access memory means to said bulk storage memory for storage, and for causing the selective transfer from said bulk storage memory directly into said random access memory means of either said full size image at said first resolution or said reduced size image at said second lower resolution.	The AVA has a control structure for causing the transfer of video pixel data. *See, e.g.*, Ampex company product release, April 12, 1981 (AVA allows transfer and storage of edited images); Ampex company product release, April 13, 1980 (AVA allows edited images to be stored or displayed on air); Ampex AVA Space Saver Brochure (AVA allows creation of compressed image and transfer to storage); van der Leeden, pp. 393-4 (AVA-3 includes size reducing means and file management system for storage and retrieval of edited images).
Claim 10	**Analysis**
10. A system for storing video data representing video images which are displayable as rasters of vertically distributed horizontal lines, each represented video image normally occupying a raster of selected vertical and horizontal size, the system comprising:	The AVA is an apparatus for storing video pixel data. *See, e.g.*, Stow, pp. 1187-8 (AVA stores video images independently and with ESS); Ampex company product release, April 13, 1980; Ampex company product release, April 12, 1981; Ampex AVA advertisement; Ampex AVA Space Saver Brochure; Ampex Innovator, "Ampex's AVA Graphics System Engineered for the Video Artist;" van der Leeden, pp. 393 (AVA-3 stores video images independently and with ESS).
[a] a video image size reducer having an input for receiving video data representing a video image corresponding to the selected raster size and for generating video data representing a reproduction of said video image at a selected fractional-size	The AVA includes a structure for generating reduced size versions of images. *See, e.g.*, Stow, pp. 1188 (AVA changes image size through a digital video effects unit); Ampex AVA Space Saver Brochure (AVA includes means for compressing images); AVA Ampex Video Art System Brochure (AVA includes mechanism for size adjustment); van der Leeden, pp. 393 (AVA-3 includes means for

of said selected raster size;	storing part of an image, reducing image, and compressing image data).
[b] a first store for receiving video data for storage and for providing video data therefrom, said first store having a capacity for storing the video data representing the video image corresponding to the selected raster size simultaneously together with the video data supplied by said video image size reducer representing said reproduction of the video image at the selected fractional-size;	The AVA includes random access memory for storing video pixel data. *See, e.g.,* Ampex company product release, April 13, 1980 (AVA includes random access memory); Stow, pp. 1187-8 (AVA is used with ESS to store video images); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to transfer edited images and display in real time); Ampex AVA Space Saver Brochure (AVA includes graphics memory and temporarily stores images edits); AVA Ampex Video Art System Brochure (AVA allows on-screen editing of stored images); van der Leeden, pp. 393 (AVA-3 includes means to store image currently on screen).
[c] a second store for receiving and storing the video data stored in the first store and for providing video data therefrom directly to the first store, said second store further storing video data representing a plurality of additional video images each corresponding to the selected raster size, and video data representing a plurality of additional reproductions at the selected fractional size of said selected raster size; and	The AVA includes a bulk memory for receiving video pixel data from random access memory. *See, e.g.,* Ampex company product release, April 13, 1980 (AVA includes disk storage); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to store images); Stow, pp. 1187-8 (AVA is used with ESS to store video images in disk store); Stow, pp. 1189 (AVA includes disk storage for storage and retrieval of images); Ampex AVA advertisement (AVA stores and retrieves images); Ampex AVA Space Saver Brochure (AVA includes disk drive for image storage and retrieval); AVA Ampex Video Art System Brochure (AVA includes disk storage for storage and retrieval of images); van der Leeden, pp. 394 (AVA-3 includes file management system which operates as a still store for storage and retrieval of images).
[d] means for selectively transferring from said second store directly to said first store either video data representing of the plurality of video images corresponding to the selected raster size, or video data representing a plurality of reproductions at the selected fractional-size of said selected raster size.	The AVA has a structure for causing the transfer of video pixel data. *See, e.g.,* Ampex company product release, April 12, 1981 (AVA allows transfer and storage of edited images); Ampex company product release, April 13, 1980 (AVA allows edited images to be stored or displayed on air); Ampex AVA Space Saver Brochure (AVA allows creation of compressed image and transfer to storage); van der Leeden, pp. 393-4 (AVA-3 includes size reducing means and file management system for storage and retrieval of edited images).

Claim 11	Analysis
11. A method of storing video pixel data comprising:	The AVA is an apparatus for storing video pixel data. *See, e.g.*, Stow, pp. 1187-8 (AVA stores video images independently and with ESS); Ampex company product release, April 13, 1980; Ampex company product release, April 12, 1981; Ampex AVA advertisement; Ampex AVA Space Saver Brochure; Ampex Innovator, "Ampex's AVA Graphics System Engineered for the Video Artist;" van der Leeden, pp. 393 (AVA-3 stores video images independently and with ESS).
[a] receiving and storing in selected storage locations in a random access memory, full video pixel data comprising a full size image;	The AVA includes random access memory for storing video pixel data. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes random access memory); Stow, pp. 1187-8 (AVA is used with ESS to store video images); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to display images in real time); Ampex AVA Space Saver Brochure (AVA includes graphics memory and temporarily stores images edits); AVA Ampex Video Art System Brochure (AVA allows on-screen editing of stored images); van der Leeden, pp. 393 (AVA-3 includes means to store image currently on screen).
[b] generating from the full video pixel data, reduced video pixel data representing a reproduction thereof in the form of a reduced size image at a lower resolution;	The AVA includes a structure for generating reduced size versions of images. *See, e.g.*, Stow, pp. 1188 (AVA changes image size through a digital video effects unit); Ampex AVA Space Saver Brochure (AVA includes mean for compressing images); AVA Ampex Video Art System Brochure (AVA includes mechanism for size adjustment); van der Leeden, pp. 393 (AVA-2 includes means for storing part of an image, reducing image, and compressing image data).
[c] storing the reduced video pixel data representing the reduced size image in additional storage locations in said random access memory along with the full video pixel data;	The AVA includes random access memory for storing video pixel data. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes random access memory); Stow, pp. 1187-8 (AVA is used with ESS to store video images); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to display images in real time); Ampex AVA Space Saver Brochure (AVA includes graphics memory and temporarily stores

	images edits); AVA Ampex Video Art System Brochure (AVA allows on-screen editing of stored images); van der Leeden, pp. 393 (AVA-3 includes means to store image currently on screen).
[d] storing both the full size image and the reduced size image in bulk storage memory; and	The AVA includes a bulk memory for receiving video pixel data from random access memory. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes disk storage); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to store images); Stow, pp. 1187-8 (AVA is used with ESS to store video images in disk store); Stow, pp. 1189 (AVA includes disk storage for storage and retrieval of images); Ampex AVA advertisement (AVA stores and retrieves images); Ampex AVA Space Saver Brochure (AVA includes disk drive for image storage and retrieval); AVA Ampex Video Art System Brochure (AVA includes disk storage for storage and retrieval of images); van der Leeden, pp. 394 (AVA-3 includes file management system which operates as a still store for storage and retrieval of images).
[e] selectively transferring either the full size image or the reduced size image from said bulk storage memory into said random access memory for further processing.	The AVA has a structure for causing the transfer of video pixel data. *See, e.g.*, Ampex company product release, April 12, 1981 (AVA allows transfer and storage of edited images); Ampex company product release, April 13, 1980 (AVA allows edited images to be stored or displayed on air); Ampex AVA Space Saver Brochure (AVA allows creation of compressed image and transfer to storage); van der Leeden, pp. 393-4 (AVA-3 includes size reducing means and file management system for storage and retrieval of edited images).
Claim 12	**Analysis**
12. A video still store system comprising:	The AVA is an apparatus for storing video pixel data. *See, e.g.*, Stow, pp. 1187-8 (AVA stores video images independently and with ESS); Ampex company product release, April 13, 1980; Ampex company product release, April 12, 1981; Ampex AVA advertisement; Ampex AVA Space Saver Brochure; Ampex Innovator, "Ampex's AVA Graphics System Engineered for the Video Artist;" van der Leeden, pp. 393 (AVA-3 stores video images independently and with ESS)

[a] an external source for supplying a plurality of full size image data sets representative of corresponding full size images;	The AVA has a video input source. *See, e.g.*, Ampex AVA Space Saver Brochure (AVA captures video images); van der Leeden, pp. 393 (AVA-3 grabs video data).
[b] an image store for storing said full size image data sets, and for storing a like plurality of reduced size image data sets representing a plurality of reduced size images, each of said reduced size image data sets corresponding to one of the full size image data sets;	The AVA includes a bulk memory for receiving video pixel data from random access memory. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes disk storage); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to store images); Stow, pp. 1187-8 (AVA is used with ESS to store video images in disk store); Stow, pp. 1189 (AVA includes disk storage for storage and retrieval of images); Ampex AVA advertisement (AVA stores and retrieves images); Ampex AVA Space Saver Brochure (AVA includes disk drive for image storage and retrieval); AVA Ampex Video Art System Brochure (AVA includes disk storage for storage and retrieval of images); van der Leeden, pp. 394 (AVA-3 includes file management system which operates as a still store for storage and retrieval of images).
[c] a memory for simultaneous storage of one of said full size image data sets and a corresponding one of said reduced size image data sets,	The AVA includes random access memory for storing video pixel data. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes random access memory); Stow, pp. 1187-8 (AVA is used with ESS to store video images); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to transfer edited images and display in real time); Ampex AVA Space Saver Brochure (AVA includes graphics memory and stores images edits); AVA Ampex Video Art System Brochure (AVA allows on-screen editing of stored images); van der Leeden, pp. 393 (AVA-3 includes means to store image currently on screen).
[d] a size reducer means for receiving from said memory the stored one of said full size image data sets, and for producing and returning to said memory the corresponding one of said reduced size image data sets;	The AVA includes a structure for generating reduced size versions of images. *See, e.g.*, Stow, pp. 1188 (AVA changes image size through a digital video effects unit); Ampex AVA Space Saver Brochure (AVA includes mean for compressing images); AVA Ampex Video Art System Brochure (AVA includes mechanism for size adjustment); van der Leeden, pp. 393 (AVA-3 includes means for storing part of an image, reducing image, and

	compressing image data).
[e] said memory being responsive to either the external source or the image store for storing said one of said full size image data sets, and for supplying to the image store both the stored one of said full size image data sets and the corresponding one of said reduced size image data sets;	The AVA has a memory for storing images. *See, e.g.*, Ampex company product release, April 12, 1981 (AVA allows transfer and storage of edited images); Ampex company product release, April 13, 1980 (AVA allows edited images to be stored or displayed on air); Ampex AVA Space Saver Brochure (AVA allows creation of compressed image and transfer to storage); van der Leeden, pp. 393 (AVA-3 includes size reducing means and mechanism for storing reduced size image).
[f] said memory being responsive to the image store to store at different selected locations the plurality of reduced size image data sets;	The AVA includes means for storage of edited images. *See, e.g.*, Ampex company product release, April 12, 1981 (AVA allows transfer and storage of edited images); Ampex company product release, April 13, 1980 (AVA allows edited images to be stored or displayed on air); Ampex AVA Space Saver Brochure (AVA allows creation of compressed image and transfer to storage); van der Leeden, pp. 393 (AVA-3 includes size reducing means and mechanism for storing reduced size image).
[g] said memory further supplying as an output image either the plurality of reduced size image data sets arranged at different locations within the output image, or the full size image data set; and	The AVA supplies output images. *See, e.g.*, Stow, pp. 1187 (AVA outputs stills); Ampex AVA Space Saver Brochure (AVA stores and retrieves full images); van der Leeden, pp. 393 (AVA-3 includes means for storage and display of full size image).
[h] means responsive to said memory for displaying the output image as a raster scanned video display.	The AVA includes structure for displaying images. *See, e.g.*, Stow, pp. 1187 (AVA outputs stills); Ampex AVA Space Saver Brochure (AVA stores and retrieves full images); van der Leeden, pp. 393 (AVA-3 includes means for storage and display of full size image).

Claim 13	Analysis
13. A method of storing video pixel data for access and display comprising:	The AVA is an apparatus for storing video pixel data. *See, e.g.*, Stow, pp. 1187-8 (AVA stores video images independently and with ESS); Ampex company product release, April 13, 1980; Ampex company product release, April 12, 1981;Ampex AVA advertisement, Ampex AVA Space Saver Brochure; Ampex Innovator, "Ampex's AVA Graphics System Engineered for the Video Artist;" van der Leeden, pp. 393 (AVA-3 stores video images independently and with ESS).
[a] providing data sets for a plurality of full size images at a first spatial resolution;	The AVA provides for full size images. *See, e.g.*, Stow, pp. 1187 (AVA outputs stills); Ampex AVA Space Saver Brochure (AVA stores and retrieves full images); van der Leeden, pp. 393 (AVA-3 includes means for storage and display of full size image).
[b] generating, from the data sets of the full size images, second data sets representing a corresponding plurality of reduced size reproduction images at a second lower spatial resolution;	The AVA includes a structure for generating reduced size versions of images. *See, e.g.*, Stow, pp. 1188 (AVA changes image size through a digital video effects unit); Ampex AVA Space Saver Brochure (AVA includes means for compressing images); AVA Ampex Video Art System Brochure (AVA includes mechanism for size adjustment); van der Leeden, pp. 393 (AVA-3 includes means for storing part of an image, reducing image, and compressing image data).
[c] storing both the data sets of the plurality of full size images and the data sets of the corresponding plurality of reduced size reproduction images in respective selected groups of storage location; and	The AVA includes a bulk memory for receiving video pixel data from random access memory. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes disk storage); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to store images); Stow, pp. 1187-8 (AVA is used with ESS to store video images in disk store); Stow, pp. 1189 (AVA includes disk storage for storage and retrieval of images); Ampex AVA advertisement (AVA stores and retrieves images); Ampex AVA Space Saver Brochure (AVA includes disk drive for image storage and retrieval); AVA Ampex Video Art System Brochure (AVA includes disk storage for storage and retrieval of images); van der Leeden, pp. 394 (AVA-3 includes file management system which operates as a still store for

	storage and retrieval of images).
[d] selectively accessing from the storage locations a data set representing one of the plurality of full size images, and a data set representing one of the corresponding plurality of the reduced size reproduction images, simultaneously.	The AVA system accesses images from storage locations. *See, e.g.*, Stow, pp. 1187 (AVA outputs stills); van der Leeden, pp. 393 (AVA includes means for storage and display of full size image); Ampex AVA Space Saver Brochure (AVA stores and retrieves full images); van der Leeden, pp. 394 (AVA-3 includes file management system which operates as a still store for storage and retrieval of images).
Claim 14	**Analysis**
14. An apparatus for storing video pixel data as at least one full size image at a first resolution, and at least one reduced size image thereof at a second lower resolution, comprising:	The AVA is an apparatus for storing video pixel data. *See, e.g.*, Stow, pp. 1187-8 (AVA stores video images independently and with ESS); Ampex company product release, April 13, 1980; Ampex company product release, April 12, 1981; Ampex AVA advertisement; Ampex AVA Space Saver Brochure; Ampex Innovator, "Ampex's AVA Graphics System Engineered for the Video Artist;" van der Leeden, pp. 393 (AVA-3 stores video images independently and with ESS).
[a] random access memory means having an input port and an output port, for storing the video pixel data presented at the input port;	The AVA includes random access memory for storing video pixel data. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes random access memory); Stow, pp. 1187-8 (AVA is used with ESS to store video images); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to transfer edited images and display in real time); Ampex AVA Space Saver Brochure (AVA includes graphics memory and temporarily stores images edits); AVA Ampex Video Art System Brochure (AVA allows on-screen editing of stored images); van der Leeden, pp. 393 (AVA-3 includes means to store image currently on screen).
[b] said video pixel data representing the full size video image at a first resolution being stored in a first group of memory locations in said random access memory means;	The AVA includes random access memory for storing video pixel data. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes random access memory); Stow, pp. 1187-8 (AVA is used with ESS to store video images); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to transfer edited images and display in real time); Ampex AVA Space Saver

	Brochure (AVA includes graphics memory and temporarily stores images edits); AVA Ampex Video Art System Brochure (AVA allows on-screen editing of stored images); van der Leeden, pp. 393 (AVA-3 includes means to store image currently on screen).
[c] bulk storage memory for also storing the video pixel data and for presenting selected groups of video data at said input port for storage by said random access memory means;	The AVA includes a bulk memory for receiving video pixel data from random access memory. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes disk storage); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to store images); Stow, pp. 1187-8 (AVA is used with ESS to store video images in disk store); Stow, pp. 1189 (AVA includes disk storage for storage and retrieval of images); Ampex AVA advertisement (AVA stores and retrieves images); Ampex AVA Space Saver Brochure (AVA includes disk drive for image storage and retrieval); AVA Ampex Video Art System Brochure (AVA includes disk storage for storage and retrieval of images); van der Leeden, pp. 394 (AVA-3 includes file management system which operates as a still store for storage and retrieval of images).
[d] size reducing means responsive to said random access memory means for receiving said video pixel data stored in said random access memory means representing said full size image at said first resolution, and for producing reduced size pixel data representing the reduced size image at the second lower resolution, and for supplying said reduced size image at said second resolution to said random access memory means in a second group of memory locations therein;	The AVA includes a structure for generating reduced size versions of images. *See, e.g.*, Stow, pp. 1188 (AVA changes image size through a digital video effects unit); Ampex AVA Space Saver Brochure (AVA includes mean for compressing images); AVA Ampex Video Art System Brochure (AVA includes mechanism for size adjustment); Ampex company product release, April 12, 1981 (AVA and ESS-2 can be combined for display of edited images); van der Leeden, pp. 393 (AVA-3 includes means for storing part of an image, reducing image, and compressing image data).
[e] control means coupled to said random access memory means, to said bulk storage memory and to said size reducing means, for causing said size reducing means to generate said reduced size image at said second resolution and to supply said reduced image to said random access memory means in said second group of memory	The AVA discloses control means coupled to random access memory and bulk storage memory. *See, e.g.*, Ampex company product release, April 12, 1981 (AVA allows transfer and storage of edited images); Ampex company product release, April 13, 1980 (AVA allows edited images to be stored or displayed on air); Ampex AVA Space Saver Brochure (AVA allows creation of compressed image and transfer to storage); van der Leeden, pp. 393

locations;	(AVA-3 includes size reducing means and mechanism for storing reduced size image).
[f] said control means further causing the transfer of the full size and reduced size video pixel data from said random access memory means to said bulk storage memory for storage, and for causing the selective transfer from said bulk storage memory into said random access memory means of either said full size image at said first resolution or said reduced size image at said second lower resolution; and	The AVA has a control structure for causing the transfer of video pixel data. *See, e.g.,* Ampex company product release, April 12, 1981 (AVA allows transfer and storage of edited images); Ampex company product release, April 13, 1980 (AVA allows edited images to be stored or displayed on air); Ampex AVA Space Saver Brochure (AVA allows creation of compressed image and transfer to storage); van der Leeden, pp. 393 (AVA-3 includes size reducing means and mechanism for storing reduced size image).
[g] wherein said control means also determines the selective transfer of said reduced size image at said second resolution from said size reducing means into said bulk storage memory via the random access memory means.	The AVA includes means for transfer of images to bulk storage. *See, e.g.,* Ampex company product release, April 12, 1981 (AVA allows transfer and storage of edited images); Ampex company product release, April 13, 1980 (AVA allows edited images to be stored or displayed on air); Ampex AVA Space Saver Brochure (AVA allows creation of compressed image and transfer to storage); van der Leeden, pp. 393-4 (AVA-3 includes size reducing means and file management system for storage and retrieval of edited images).
Claim 15	**Analysis**
15. A method of storing video pixel data for access and display comprising:	The AVA is an apparatus for storing video pixel data. *See, e.g.,* Stow, pp. 1187-8 (AVA stores video images independently and with ESS); Ampex company product release, April 13, 1980; Ampex company product release, April 12, 1981; Ampex AVA advertisement; Ampex AVA Space Saver Brochure; Ampex Innovator, "Ampex's AVA Graphics System Engineered for the Video Artist;" van der Leeden, pp. 393 (AVA-3 stores video images independently and with ESS).
[a] providing data sets for a plurality of full size image at a first spatial resolution, wherein each one of the full size images occupies upon display a raster of selected vertical and horizontal size;	The AVA provides for full size images. *See, e.g.,* Stow, pp. 1187 (AVA outputs stills); Ampex AVA Space Saver Brochure (AVA stores and retrieves full images); van der Leeden, pp. 393 (AVA-3 includes means for storage and display of full size image).

[b] generating, from the data sets of the full size images, second data sets representing a corresponding plurality of reduced size reproduction images at a second lower spatial resolution;	The AVA includes a structure for generating reduced size versions of images. *See, e.g.*, Stow, pp. 1188 (AVA changes image size through a digital video effects unit); Ampex AVA Space Saver Brochure (AVA includes means for compressing images); AVA Ampex Video Art System Brochure (AVA includes mechanism for size adjustment); van der Leeden, pp. 393 (AVA-3 includes means for storing part of an image, reducing image, and compressing image data).
[c] storing both the data sets of the plurality of full size images and the data sets of the corresponding plurality of reduced size reproduction images in respective selected groups of storage locations,	The AVA includes a bulk memory for receiving video pixel data from random access memory. *See, e.g.*, Ampex company product release, April 13, 1980 (AVA includes disk storage); Ampex company product release, April 12, 1981 (AVA is used with ESS-2 to store images); Stow, pp. 1187-8 (AVA is used with ESS to store video images in disk store); Stow, pp. 1189 (AVA includes disk storage for storage and retrieval of images); Ampex AVA advertisement (AVA stores and retrieves images); Ampex AVA Space Saver Brochure (AVA includes disk drive for image storage and retrieval); AVA Ampex Video Art System Brochure (AVA includes disk storage for storage and retrieval of images); van der Leeden, pp. 394 (AVA-3 includes file management system which operates as a still store for storage and retrieval of images).
[d] selectively accessing from the storage locations a data set of one of the plurality of full size images, and one of the sets of the corresponding plurality of the reduced size reproduction images simultaneously;	The AVA system accesses images from storage locations. *See, e.g.*, Stow, pp. 1187 (AVA outputs stills), Ampex AVA Space Saver Brochure (AVA stores and retrieves full images), van der Leeden, pp. 393 (AVA-3 includes means for storage and display of full size image).
[e] wherein the step of accessing further includes, retrieving a plurality of reproduction images, storing the retrieved plurality of images in a random access memory, and outputting the stored plurality of retrieved images as a mosaic of reproduction images occupying a raster of the selected vertical and horizontal size.	The AVA system accesses images from storage locations. *See, e.g.*, Stow, pp. 1187 (AVA outputs stills), Ampex AVA Space Saver Brochure (AVA stores and retrieves full images), van der Leeden, pp. 393 (AVA-3 includes means for storage and display of full size image).

Eastman Kodak Company responds to (iv) and (v) as follows:

The AVA is described in R.L. Stow, "Graphics Go Electronic – The CBS Experience," *SMPTE Journal*, December 1982; Ampex company product release, "Ampex Unveils Innovative Graphic System," April 13, 1980; Ampex company product release, "AVA, ESS Create Graphic Sequences at NAB," April 12, 1981; Ampex AVA Advertisement (not dated); Ampex AVA Space Saver Brochure (not dated); Ampex Innovator, "Ampex's AVA Graphics System Engineered for the Video Artist," (not dated); AVA Ampex Video Art System Brochure (not dated); Robert van der Leeden, "Ampex AVA-3 Video Art System."

Eastman Kodak Company further states that counsel for Eastman Kodak Company is knowledgeable about the response to this interrogatory.

INTERROGATORY NO. 61

Provide a claim chart comparing the Ampex ADO against claims 7, 8 and 10-15 of the '121 patent, stating for each element of these claims: (i) whether the element of the claim is embodied by the ADO; (ii) if the element of the claim is embodied by the ADO, identify the component of the ADO that embodies the element and explain how the element is embodied, (iii) if the element of the claim is not embodied by the ADO, identify the element that is missing and explain why the ADO does not embody that element; (iv) identify the documents or other facts or evidence upon which Kodak bases its response; and (v) identify all person(s) knowledgeable about the response to this interrogatory.

RESPONSE TO INTERROGATORY NO. 61

Eastman Kodak Company objects to this interrogatory on the grounds that it is premature in that discovery in this proceeding has only just begun. The responses require, in part, information in Ampex's possession. Eastman Kodak Company has requested the information required to respond to this interrogatory from Ampex. Ampex has not yet fully produced such information. Ampex itself previously objected to the production of documents or information pertaining to prior art and has only recently commenced production. Eastman Kodak Company reserves the right to supplement, revise, amend, or modify this interrogatory response after it has

c. each person consulted by the person(s) identified in Part (a) or (b) of this interrogatory to obtain the information;
d. the documents and records consulted to obtain such information;
e. the efforts made to locate information for responses where no information or only partial information was given in a response; and,
f. the person most knowledgeable about the subject matter of the interrogatory.

RESPONSE TO INTERROGATORY NO. 63

Eastman Kodak Company objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege or the work product doctrine.

Subject to and without waiving the foregoing Specific and General Objections, Eastman Kodak Company provides the following responsive information:

Counsel for Eastman Kodak Company prepared the Response to Complainant's Third Set of Interrogatories and is knowledgeable about the responses to the interrogatories. Eastman Kodak Company further states that the documents consulted in preparing the Response to Complainant's Third Set of Interrogatories have been listed in subsection (iv) of the response to each interrogatory (Nos. 58-62).

AS TO THE OBJECTIONS:

Dated: January 13, 2005

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Attorneys for Eastman Kodak Company

VERIFICATION OF RESPONSE

I, Gary P. VanGraafeiland, in accordance with 19 C.F.R. § 210.13, declare that:

1. I am General Counsel and Senior Vice President of Eastman Kodak Company.

2. I have read the foregoing **Response of Eastman Kodak Company to Complainant Ampex Corporation's Third Set of Interrogatories to Respondent Eastman Kodak Company** (the "Response"), and while I do not have personal knowledge of all of the facts recited in the Response, the information contained therein has been collected by me or made available to me by others, and said allegations and statements made in the Response are true to the best of my knowledge and belief based upon the information made available to me, and therefore the foregoing Response is certified on behalf of Eastman Kodak Company.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Verification was executed on January 13, 2005, at Rochester, New York.

Gary P. VanGraafeiland

General Counsel and Senior Vice President
Eastman Kodak Company

CERTIFICATE OF SERVICE

I hereby certify that Respondent Eastman Kodak Company's Response to Complainant Ampex Corporation's Third Set of Interrogatories was served on this 13th day of January 2005, as follows:

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U.S. International Trade Commission
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Barbara Murphy — VIA E-MAIL
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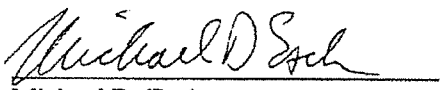

Michael D. Esch

EXHIBIT NO. 2

EXHIBIT NO. 2

IS

CONFIDENTIAL

EXHIBIT NO. 3

EXHIBIT NO. 3

IS

CONFIDENTIAL

EXHIBIT NO. 4

EXHIBIT NO. 4

IS

CONFIDENTIAL

EXHIBIT NO. 5

EXHIBIT NO. 5

IS

CONFIDENTIAL

EXHIBIT NO. 6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMPEX CORPORATION, *Plaintiff,* v. EASTMAN KODAK COMPANY, ALTEK CORPORATION, and CHINON INDUSTRIES, INC., *Defendants.*	C.A. No. 04-1373 (KAJ)

INITIAL EXPERT REPORT OF DR. DIETER PREUSS

I. Introduction

1. I have been retained as an expert in this litigation by counsel for Defendants, Eastman Kodak Company ("Kodak") and Altek Corporation ("Altek").

2. I understand that Plaintiff Ampex Corporation ("Ampex") filed this lawsuit in October 2004 alleging infringement by Defendants of U.S. Patent No. 4,821,121 (the "'121 patent").

3. I have been asked if I am aware of any prior art that meets the elements of claims 7, 8, and 10 through 15 ("the asserted claims") of the '121 patent.

4. In this report, I summarize my opinion that the Hell Chromacom system ("Chromacom") and the Scitex Response 300 system series ("Response 300") each meet all of

images and the transfer of images to and from the multi-layered memory and the disk. *See, e.g., EKC005020463-6; EKC005021420-38.*

VI. Combination of the Chromacom or Response 300 with Either the Quantel Paint Box or Digital Library System ("DLS")

100. To the extent that Ampex argues that either of the Chromacom or Response 300 cannot meet the elements of the asserted claims, it would have been obvious to one skilled in the art to combine the Chromacom or Response 300 with either of the Quantel Paint Box or the Quantel DLS systems to meet the elements of the asserted claims. Both the prepress and television broadcast industries were closely related in that they worked with the capture, manipulation, storage, retrieval and display of images. As discussed above, the prepress industry often borrowed technology from the television broadcast industry. For example, Hell used television cameras with its prepress products. One of ordinary skill in the art confronted with the problem of developing a system that stored, manipulated and displayed digital images would have looked to both prepress and television broadcast technologies for solutions. I have reviewed the expert report of Richard Taylor. To the extent a claim construction is adopted under which either of the Chromacom or Response 300 does not meet all of the elements of the asserted claims, it is my opinion that a combination of the Chromacom or Response 300 with either of the Quantel Paint Box or Quantel DLS systems would render the asserted claims obvious.

VII. Trial Exhibits

101. I may rely on visual aides and demonstrative exhibits that demonstrate the bases of my opinions. By way of example only, these visual aides and demonstrative exhibits may include claim charts, patent drawings, excerpts from patent specifications, file histories,

interrogatory responses, deposition testimony, deposition exhibits, videos of systems in operation, computer-generated animations, and portions of documents referenced in this report. I have not yet prepared any exhibits for use at trial, but I expect to do so in accordance with the Court's rules, regulations, and scheduling orders.

VIII. Supplementation

102. I reserve the right to revise, supplement or amend my opinions in light of any additional information that I might receive after the date of this report including but not limited to rebuttal reports submitted by Ampex.

Dieter Preuss

Dated: March 23, 2006